

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT
for the
District of Nebraska

FILED
US DISTRICT COURT
DISTRICT OF NEBRASKA

FEB 27 2015

OFFICE OF THE CLERK

United States of America
v.

Case No. 8:15MJ43

JUANA TAPIA BORJAS

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 25, 2015 in the county of Douglas in the
District of Nebraska, the defendant(s) violated:

Code Section

Offense Description

8:1326(a)

On or about February 25, 2015, in the District of Nebraska, the defendant, JUANA TAPIA BORJAS an alien, who previously had been excluded, deported, and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3), (4), and 557), having expressly consented to defendant's reapplication for admission into the United States. In violation of Title 8, United States Code, Section 1326(a).

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.



Complainant's signature

David K. Sullivan, SA ICE-HSI

Printed name and title

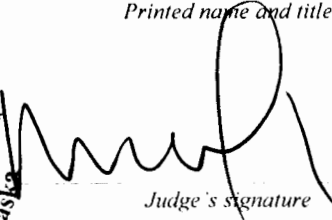
Sworn to before me and signed in my presence.

Date:

2/27/15

City and state:

Omaha, Nebraska

Judge's signature

THOMAS D. THALKEN, U.S. Magistrate Judge

Printed name and title

UNITED STATES OF AMERICA)

DISTRICT OF NEBRASKA)

COUNTY OF DOUGLAS)

AFFIDAVIT OF DAVID K. SULLIVAN

I, David K. Sullivan being duly sworn, hereby state that:

1) Affiant is a Special Agent with the Department of Homeland Security (DHS) Homeland Security Investigations (HSI), Omaha, Nebraska, with approximately twenty-two (22) years of experience with HSI and the former Immigration and Naturalization Service, duly appointed according to law and at the time of the events herein was acting in official capacity.

2) HSI Agents have the authority to investigate violations of the Immigration and Nationality Act, Title 8, United States Code, Title 18 United States Code and other relating statutes.

3) On July 12, 2011, HSI Omaha executed a federal search warrant at the apartment located over 4630 So. 20th Street, Omaha, Nebraska. This warrant resulted in the arrest of Juana TAPIA Borjas and several others for various charges including 8 USC 1325c—Marriage Fraud, 8 USC 1326—Illegal Reentry after Deportation and federal drug charges.

4) On February 27, 2012, TAPIA pled guilty and was sentenced in the District of Nebraska for violation of 18 USC 371—Conspiracy to Commit Marriage Fraud. TAPIA was sentenced to time served (approximately seven months). On February 29, 2012, TAPIA was deported from the United States to Mexico via Laredo, Texas.

5) In December of 2014, this Affiant received information that TAPIA had returned to the United States illegally and was living in the Omaha, Nebraska area. Specific information indicated that on February 25, 2015, TAPIA would be in the vicinity of the Douglas County Courthouse driving a white 2014 Jeep Safari. On February 25, 2015, at approximately 0830 hours, Agents located an Hispanic female parked in a 2014 Jeep Safari at the intersection of 17th and Farnam Streets in Omaha, Nebraska. This Agent approached the unidentified Hispanic female from the driver's side of the vehicle after initial contact had been made by Special Agents Buckley and Cardiel. This Affiant asked the unidentified Hispanic female for identification to which she replied in Spanish that she had none. This Affiant then asked her what her name was and she replied "Juana". This Affiant recognized TAPIA from the previous investigation and placed her under arrest.

6) APIA was transported to the Omaha HSI processing office where her fingerprints were run through various HSI databases resulting in a latent match to Juana TAPIA Borjas, FBI number 718504WC3 and DHS alien number A88 961 629. HSI databases confirm TAPIA is a Citizen of Mexico with a prior deportation to Mexico on February 29, 2012 via Laredo, Texas.

7) A review of ICE databases and TAPIA's official alien file did not reveal that a Form I-212, Application for Permission to Reapply for Admission into the United States After Deportation or Removal had been filed.


8) Based on your Affiant's training, experience, and the totality of the facts as related, I have concluded that there is probable cause to believe that Juana TAPIA Borjas has violated Title 8, United States Code, Section 1326(a), in that she was previously arrested and deported from the United States, reentered without obtaining the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States, and was encountered in Omaha, Nebraska.

Executed this 27th day of February 2015.



David K. Sullivan
Special Agent
Homeland Security Investigations

Sworn to before me and subscribed in my
Presence this 27th day of February 2015.



THOMAS D. THALKEN
U.S. Magistrate Judge
United States District Court

